DOCUMENT RESUME

ED 295 356 EC 202 592

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TITLE Early Intervention in Rural States: The Impact of P.L. 99-457.
PUB DATE Mar 87
NOTE 10p.; In: Linking Programs and Resources for Rural Special Education. Proceedings of the Annual National Conference of the American Council on Rural Special Education; see EC 202 583.
PUB TYPE Speeches/Conference Papers (150) -- Reports - Descriptive (141) -- Viewpoints (120)

EDRS PRICE MF01/PC01 Plus Postage.
DESCRIPTORS Administrator Role; Agency Cooperation; *Delivery Systems; *Disabilities; Educational Finance; *Federal Legislation; Infants; Intervention; Program Implementation; *Rural Education; Special Education; State Federal Aid; *State Programs; Young Children
IDENTIFIERS *Early Intervention; *Education of the Handicapped Act Amendments 1986

ABSTRACT

This paper discusses the basic content of Titles I and II of Public Law 99-457: the Amendments to the Education of the Handicapped Act, and their implications for providing early intervention services to rural populations. "Title I: Services to Infants and Toddlers" discusses provisions of the law, its rationale, definitions of terms relevant to implementation of the law, the state plan to establish an interagency coordinating council, and required components of the statewide system for providing early intervention services. "Title II: Services for the Three--[through] Five Year-Olds" discusses sources of federal funding that will be lost by states that do not comply with Title II, provisions of Title II, and its funding levels. Implications of this law for rural districts include the generation of new revenue to serve children from birth to age 5, the option of contracting services from existing agencies and programs, regionalization of services, and the flexibility of allowable models for service delivery. Administrators are encouraged to become informed of their state's intentions in terms of compliance with the law, which is not mandated, and are urged to seek representation on advisory committees and on their state's interagency coordinating council. (JDD)

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EARLY INTERVENTION IN RURAL STATES

THE IMPACT OF PL 99-457

Recent legislation, P.L. 99-457: The Amendments to the Education of the Handicapped Act, was signed into law by President Reagen on October 8, 1987. This new law reauthorizes P.L. 94-142, The Education for All Handicapped Children Act for five years, and expands it to include incentive grants for states to educate handicapped children from birth to age two, and from three to five years of age. Special education programs for three through five-year-olds would become mandatory for states serving this age level within four years (P.L. 99-457).

The law has five titles. Title II, provides stipulations for services to the three through-five year old age level. Title I provides discretionary monies through a state grant process for provision of services to birth through two-year-olds. The titles provide very different stipulations as to how funding is sought, and about agencies that are to provide services.

Rural area districts will face challenges in coordinating services for these children and must seek information on procedures for delivering services. The state education agency will be coordinating services at the three through five-year-old level. The governor of each state will identify the lead agency for serving the birth through two-year-old population. There are important considerations in funding levels. Although this is not a totally mandated law, failure to serve the 3-5 group by 1990 will results in loss of all federal funding at this age level and below!

Both Title I (0-2 year of age) and Title II (3-5 years of age) have implications for administrators and teachers in highly rural areas. Critical issues include the availability of services, shortages of qualified teachers, distances children must be transported to receive services, and agencies which will provide services. This paper will provide information on the basic content of Title I and II of P.L. 99-457 and implications for rural schools in providing services to this population.

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TITLE I: SERVICES TO INFANTS AND TODDLERS

Title I of P.L. 99-457 provides a new federal discretionary program to develop a comprehensive state plan for a coordinated, interdisciplinary program of early intervention services for infants and toddlers and their families. The rationale for this new program is the high level of infant competence children can obtain through the effectiveness of early intervention programming.

The statewide, comprehensive program is to be a multidisciplinary effort with interagency cooperation. The program of intervention is to provide services for all handicapped infants and toddlers. The grants are provided to facilitate coordination of payments from various public and private agencies and sources. Most states have agencies other than SEAs coordinate services at the birth through two-year-old age level.

DEFINITIONS

The house report on the amendments define terms relevant to implementation of the law. Each state will define the term "developmental delay". It is expected that the definition for each state will encompass levels of functioning in all five developmental areas listed below (H.R. Report 99-860).

Handicapped Infants and Toddlers. This law specifically defines this group to include individuals from birth to age two inclusive who are experiencing developmental delays in one or more of the following areas:

- cognitive development
- physical development
- language and speech development
- psycho-social development
- self help skills.

The children may also qualify by having a diagnosed physical or mental condition which has a high probability of resulting in developmental delay. In this way, children who don't exhibit delay immediately can be served. (P.L. 99-457).

Early Intervention Services. This term is defined by the law to include seven criteria. Services provided must be:

- under public supervision
- at no cost
- meet developmental needs
- meet the standard of the state

- include but not be limited to:
    - family training
    - counseling
    - home visits
    - speech instruction
    - speech pathology and audiology
    - occupational therapy
    - physical therapy
    - psychological services
    - case management services
    - medical services for diagnostic or evaluation purposes
    - screening and assessment services
    - health services necessary to enable child to benefit from other intervention.
- delivered by qualified personnel
    - special educators
    - speech and language pathologists
    - occupational therapists
    - physical therapists
    - psychologists
    - social workers
    - nurses
    - nutrionalists
    - physicians
- in conformity with an Individual Family Service Plan (IFP).

An important provision of the law allow agencies to initiate services to children and families before the IFP is completely written and finalized. This is due to the tremendous rate at which infants develop during these first three year of life.

THE STATE PLAN

Each state plan must provide very specific information on the establishment of an interagency coordinating council and the identification of a lead agency to coordinate services for the state. The governor of each state will identify the lead agency and appoint the interagency coordinating council.

The plan must include assurances that funds will be used to assist the state to plan, develop, and implement a statewide system of services. It is assumed that the states will use the first three years of this funding to continue the State Planning Incentive Grants that are supplanted by this new program. By the third year, the states must have adopted a policy which incorporates all the elements of the required statewide system

listed below. This statewide system must be in effect by the fourth year.

Components of the Statewide System. The required components of the statewide system are listed below. The plan is to include information on:

- a definition for developmental delay to be used by the state,
- the timetable ensuring that appropriate services will be delivered,
- the procedures for multidisciplinary evaluation of child and family need,
- a comprehensive child find and referral system,
- a public awareness program,
- a central directory of services, resources, experts available in the state,
- a comprehensive system of personnel development,
- an established single line of authority in a lead agency,
- a policy pertaining to contracting services from established service providers,
- a procedure for timely reimbursements of funds under this law,
- the policies and procedures used to ensure personnel providing services are appropriately and adequately prepared and trained according to standards of the state.

TITLE II: SERVICES FOR THE THREE - FIVE YEAR-OLDS

By school year 1990-91, all sates that apply for 94-142 funds will need to provide assurance that they are providing a free appropriate public education to all handicapped children ages three through five. States that fail to comply will lose the following sources of funding:

- the new Preschool Grant,
- monies generated under the P.L. 94-142 formula for the 3-5 population served,

- grants and contracts related to preschool special education authorized under the EHA discretionary programs, Parts C through G including:
  - Part C: centers and services to meet special needs,
  - Part D: Training Personnel,
  - Part E: Research in the Education of the Handicapped,
  - Part F: Instructional Media for the Handicapped,
  - Part G: Technology, Education Media and Materials (Dugan, 1986).

Only that portion of funds designated for the birth through five-year-old level would be lost.

PROVISIONS OF TITLE II

States are not required to report children served by disability category. Therefore, children do not have to be labeled categorically.

There are a variety of models for delivery of service that are considered appropriate. These include variations in length of school day and range and variety of preschool programs, including part-day home-based, and part or full-day center-based programs..

The role of the family is stressed in this new legislation. The IEP may include instruction for parents. The committee report on this new law emphasizes that family services play an important role in preschool programming.

The program for 3-5 year olds will be administered through the SEA and LEA. However, SEAs and LEAs may contract services from existing programs and agencies. This will facilitate the supplementing of existing programs for children and not the replacement or supplanting of programs already available.

FUNDING LEVELS

Federal authorization levels provide $300 for each child that was served in the previous academic year of 1986-87, and will provide $3,800 for each new child identified and served in fiscal year 1987-88. Track a funds (amount per child served in previous academic year) escalate as follows:

- FY 87 $300 per child
- FY 88 $400 per child
- FY 89 $500 per child
- FY 90 $1,000 per child

Track B, the $3,800 per child to be served in the coming fiscal year beyond the previous years count, ends in FY 1990 when states will receive $1,000 in federal funds for each child served.

Full Service Mandate: By 1990, all states serving children at the 3-5 level must serve all handicapped children in this age group or loose all federal dollars tagged for this population. The full service mandate will be delayed for one year until school year 1990-91 if:

- federal appropriations for this program for FY '87, '88, and '89 do not total $656 million (projected full funding)
- and the federal appropriation for FY 90 is less than $306 million ($900 per child).

In-State Flow Through of P.L. 99-457 Dollars: During the FY 1987-88, 5% of the dollars may remain in the SEA for administration and 25% for Discretionary spending. At least 70% of the dollars must flow through to the LEAs and IEUs (Intermediate educational units). in FY 1988 and beyond, 5% may stay in the SEA for Adminstration and 20% for Discretionary spending but 75% must flow through to the LEAs and IEUs.

Part of the money maintained by the SEA may be used to supplant the monies withdrawn from the old State Planning Incentive Grants which will end with when P.L. 99-457 becomes effective. In this way, the activities of the state planning programs may be maintained and/or extended.

IMPLICATIONS FOR RURAL DISTRICTS

This new law will generate a lot of new revenue to serve children at the birth through five-year-old level. The additional amount of $3,800 for each new child identified at the three through five-year-old age level, as well as the escalating amount provided for each child served in the previous year will provide an incentive for finding and serving new children. The

negative effect of a decision against providing services is the loss of funds in other federal programs with funding at the below five-year-old level.

ADVANTAGES WITHIN THE NEW LAW

Rural areas may elect to contract services from existing agencies and programs. Each district will not have to develop the physical plant or materials and resources needed to set up classroom for these children. Administrators in many public schools have expressed concern about the appropriateness of having birth through five-year-old children on elementary school campuses. The new law would allow for contracting services from other early childhood programs provided that the programs have the appropriately trained personnel.

Regionalization of services is encouraged by this law. This will allow the opportunity for the funding of IEUs and/or the development of IEUs or regional service centers in rural states where delivery of service to a sparse population over large geographic areas is problematic. Interagency coordination and the contracting of services from existing programs will also facilitate the regionalization of services.

The flexibility of models for delivery of service allowable within the law provides for many options for agencies. Home-based and center based programs along with variations in length of day provide options for districts.

The funds provided under P.L. 99-457 are developed to supplement, not supplant existing programs and services. Each state is asked to provide its own definition of developmentally delayed, allowing flexibility in defining the population of children to be served at the birth ththrough two-year-old level.

WHERE DO WE GO FROM HERE?

Administrators of rural districts should be encouraged to become informed of their state's intentions in terms of this new law. The law is not MANDATED! There are many disadvantages and losses incurred through not implementing Title II services at the three through five-year-old level. But, states are not mandated to serve these children. By 1990, they must either serve all or none. If they identify and serve all, P.L. 99-142 monies at the three through five-year-old level will continue to be available. If all of this age groups are not served, all P.L. 99-142 monies at that age level only, are lost along with that portion of funding of Parts C through G (mentioned above) allocated for the below five-year-old level.

There are powerful incentives for implementation. The disadvantage is that appropriation will be below level funding and states will need to legislate for full implementation of this law and for state appropriation to supplement federal funds and provide for full implementation.

Rural area administrators must strive to seek representation on advisory committees, and especially on the Interagency Coordinating Council appointed by the Governor for the birth through two-year-old initiative. Development of the state plan and definition of "developmental delay" will be key issues. Rural schools and personnel will have to live with what is drafted and instated by state legislatures and councils. Representation will be essential to effective programming for early intervention in rural areas.

REFERENCES

Public Law 99-457 (1986). Education for all handicapped Act Amendments of 1986. (99th Congress, 2nd Session, House of Representative, Report 99-860).

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